

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER

IN

S.B. Civil Second Appeal No.555/2004

Rajasthan State Road Transport Corporation & Another
...appellants

Versus

The Oriental Insurance Company Limited & Others
...respondents

Date of Order ::: 13.11.2006

Present

Hon'ble Mr. Justice Narendra Kumar Jain

Shri Aladeen Khan, Counsel for the appellants

Shri Vinod Tyagi, Counsel for respondents

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By the Court:-

Heard learned counsel for both the parties on the application u/S 5 of the Limitation Act as well as on merits of the appeal also.

The plaintiff-respondents filed a suit for recovery of a sum of Rs.32,585/- in the lower court, which was decreed. The judgment and decree passed by the lower court has been affirmed by the first appellate court also. After considering the submissions of the learned counsel for the parties as well as the finding of both the courts below I find that the controversial issues involved in the present case are relating to question of fact and there is concurrent finding of fact by both the courts below, which cannot be interfered with by this court in second appeal under Section 100 of the C.P.C.

The reasons given in the application under

Section 5 of the Limitation Act are also not satisfactory so as to condone the delay in filing the second appeal. Hence, the application under Section 5 of the Limitation Act is dismissed.

No substantial question of law is involved in this second appeal.

Consequently, the second appeal is dismissed being barred by limitation as well as on merits also.

(Narendra Kumar Jain) J.

//Jaiman//